

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

WALTER RAGLIN,

Petitioner,

-vs-

BETTY MITCHELL, Warden,

Respondent.

:

Case No. 1:00-cv-767

:

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

:

ORDER TO SHOW CAUSE

On April 7, 2005, the Magistrate Judge withdrew his Report and Recommendations (Order, Doc. No. 83) recommending that Respondent's Motion to Dismiss on statute of limitations grounds (Doc. No. 71) be denied in light of the pendency of *Mayle v. Felix* before the United States Supreme Court. That case has now been decided. *Mayle v. Felix*, ___ U.S. ___ (No. 04-563, June 23, 2005). It appears to the Court that the Supreme Court's decision in *Mayle* requires that the Motion to Dismiss be granted.

Accordingly, it is hereby ORDERED that Petitioner show cause not later than July 7, 2005, why the Motion to Dismiss should not be granted.

June 23, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge